THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17678 of 1998

DATED : 07.03.2003

Between:

M/S Arundhathi Mineral Industry,
Rep., by its Proprietor B.Narayana Reddy

... **PETITIONER**

And:

Chief Engineer, APSEB, Kadapa Zone,
Kadapa and others.

... **RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17678 of 1998

ORDER:

This writ petition is filed questioning the order dated 30.05.1998 passed by the first respondent, by which the first respondent, while confirming the order dated 20.03.1998 passed by the second respondent, reduced the amount of estimated cost of pilfered energy by the petitioner from Rs.4,84,067/- to Rs.3,47,933/-.

The petitioner was given electricity service connection bearing S.C.No.86 of Ramapuram village, Kurnool District, sanctioning the load of 28 HP + 120 watts, and the petitioner is alleged to have been using the sanctioned load. While so, on 23.12.1997 the Divisional Engineer, Kadapa inspected the petitioner-industry, and after careful

examination of the meter and other equipment found that the petitioner pilfered the energy, and estimated the cost of energy at Rs.6,65,300/-. Thereafter, after disconnecting the power supply to the petitioner-industry, the third respondent issued a notice, dated 19.01.1998, to the petitioner directing it to pay a sum of Rs.6,65,300/- towards the charges for the pilfered energy, if the petitioner wants reconnection before holding enquiry. Subsequently, the second respondent, after conducting a detailed enquiry, issued a show cause notice dated 12.02.1998 to the petitioner calling upon it to explain as to why the loss suffered by the Board on account of the pilferage of energy committed by the petitioner shall not be estimated at Rs.6,65,579/-. The petitioner submitted its objections, and upon consideration of the same, the second respondent revised the proposed assessment to Rs.4,84,067/-, by his order dated 20.03.1998. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, and the first respondent, by his order dated 30.05.1998, revised the estimated amount at Rs.3,47,933/- and directed the petitioner to pay the same within thirty days from the date of the order. Now the grievance of the petitioner is that though the officials of the respondents are checking its meter regularly and though it has not pilfered any energy, respondents 1 and 2 directed it to pay the said amount. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Having heard both the counsel and perused the material on record, this Court is of the view that the appellate authority granted maximum relief to the petitioner by reducing the estimated amount. Hence, this Court sees no merits in this writ petition.

Further, when once two authorities concurrently held that the

petitioner pilfered the energy, it is purely a question of fact and this Court cannot reassess the factual aspects.

For the foregoing reasons the writ petition is dismissed. However, it is stated that the petitioner deposited half of the estimated amount pursuant to the orders passed by this Court. Hence, the petitioner is directed to pay the balance amount in three equal monthly instalments, commencing from April 2007. There shall be no order as to costs.

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07.03.2007

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